

### C.C.R.B CASE CLOSING FORM

Investigator assigned: S-A O. Wilkinson		Team: 1	CCRB#: 9901366	<input checked="" type="checkbox"/> Force <input type="checkbox"/> Abuse <input checked="" type="checkbox"/> Discourtesy <input type="checkbox"/> O.L. <input type="checkbox"/> Injury	
Date of incident: 3-21-99	Time of incident: 4:30AM	Location of incident: § 87(2)(b)		Pct. of occurrence: 067 – B’KLYN	Date S.O.L. Expires: 9-21-00
Date reported: 3-22-99	Time reported: 1:27PM	To whom/where/how reported: C.C.R.B. was contacted by the complainant via the telephone.			
Complainant: § 87(2)(b)		Home address: § 87(2)(b)			
Victim: SAME AS ABOVE		Home address: SAME AS ABOVE			
Witness: § 87(2)(b) § 87(2)(b)		Home address: § 87(2)(b) § 87(2)(b)			
Subject Officers (include rank): PO ROBERT W. O’HARE		Shield: 27160	Tax: 916960	Command: 067 <sup>TH</sup> PRECINCT	
Witness Officers (include rank): LT. ANTHONY G. DISCALA		Shield: N/A	Tax: 889899	Command: 067 <sup>TH</sup> PRECINCT	
Allegations by letter:  A. FORCE: PO Robert W. O’Hare used physical force against § 87(2)(b). B. DISCOURTESY: PO Robert W. O’Hare spoke obscenely to § 87(2)(b).				Recommendations:  A. § 87(2)(g) B. § 87(2)(g)	

### Synopsis

§ 87(2)(b) and his relatives were in attendance at a birthday party for his cousin, Mr. § 87(2)(b). The location of the party was inside of § 87(2)(b) grandmother's basement at § 87(2)(b) in Brooklyn, New York. § 87(2)(b) cousin, § 87(2)(b), identified herself as the person in charge of the party.

On March 21, 1999, at approximately 4:30AM, PO Robert W. O'Hare and Lt. Anthony G. Discala responded to a radio run requesting assistance for an illegal party occurring at § 87(2)(b). Upon arriving at the scene, Lt. Discala and PO O'Hare were physically obstructed from entering the basement by patrons who could not enter the overcrowded party. At that point, back-up officers were called and responded to the location. When the responding officers arrived, they along with Lt. Discala and PO O'Hare entered the basement. Empty bottles of alcohol were vouchered, a flyer for the next illegal party was vouchered, and four Alcohol Beverage Control (ABC) summonses were issued to § 87(2)(b). During the confiscation and summons issuance, § 87(2)(b) alleged PO O'Hare spoke obscenely to him and shoved his badge into his face. § 87(2)(g)

### Summary of Complaint

On March 21, 1999 at approximately 4:30AM, PO Robert W. O'Hare, Lt. Anthony G. Discala, and responding officers encountered § 87(2)(b) along with a large gathering of civilians who wanted to enter a basement party at § 87(2)(b). According to § 87(2)(b) statement, the civilians outside were people not invited to his cousin's birthday party. When the officers entered the residence, Lt. Discala directed the civilians to leave the basement and the music be turned off. During the verbal directives, Lt. Discala requested that the person in charge of the party provide identification. As stated by § 87(2)(b), § 87(2)(b) stepped forward and presented her driver's license to the lieutenant. At that point, PO O'Hare was told to write five summonses for unlicensed bottle club, unlicensed bar inside of premises, disorderly conduct, sale of alcohol without a license, and no certificate of occupancy and issue them to § 87(2)(b). As the officer wrote the summonses, § 87(2)(b) wanted PO O'Hare and Lt. Discala's names and badge numbers. Lt. Discala told § 87(2)(b) that lieutenants do not have badge numbers and instead provided his name and command assignment. On the other hand, § 87(2)(b) alleged PO O'Hare turned towards him and shoved his badge into his face. The officer also stated to him, "If you want my fucking badge number, here it is. If you want my mother fucking badge number, here it fucking is. You want my badge number, here's my fucking badge number. Here, here is my fucking badge number." The summonses were handed to § 87(2)(b) along with her I.D. § 87(2)(b) alleged that for an extraordinary amount of time PO O'Hare held onto his cousin's driver's license before it was eventually returned.

### Results of Investigation

#### **Civilian Statement:**

§ 87(2)(b) relatives, § 87(2)(b) and § 87(2)(b), were interviewed and § 87(2)(g) on 3-21-99.

§ 87(2)(b) and § 87(2)(b) stated Lt. Discala, PO O'Hare, and additional officers entered the location, ordered the music turned off, and told the partygoers to leave the basement. The witnesses explained, that they were having a birthday party for their cousin when the officers arrived because of an

unrelated fight in front of the address. Without reason, the officers entered the basement and started confiscating empty bottles of alcohol and asked who was in charge of the party. § 87(2)(b), § 87(2)(b) cousin, identified herself as that person and provided her identification to the officers. PO O'Hare obtained her I.D. and completed the five summonses. As the officer wrote the summonses, § 87(2)(b) requested the names and badge numbers of the officers present. PO O'Hare turned his shield plate in § 87(2)(b) direction and stated, "If you want my fucking badge number, here it is. If you want my mother fucking badge number, here it fucking is. You want my badge number, here's my fucking badge number. Here, here is my fucking badge number." Although § 87(2)(b) and § 87(2)(b) alleged that PO O'Hare cursed during the encounter, § 87(2)(b) stated she did not hear any such words expressed by the officer. Both the witnesses stated they did not witness the officer's badge have any contact with § 87(2)(b) face. The civilians stated PO O'Hare held onto § 87(2)(b)'s identification while he was writing the summons. For unknown reasons, § 87(2)(b) and his relatives suspected the officer was going to seize her identification and not return it to her because he held onto it for so long.

§ 87(2)(b) cousin, § 87(2)(b), was contacted with letters and telephone calls. She was uncooperative and did not provide a statement about the interactions with PO O'Hare. § 87(2)(g)

§ 87(2)(b) cousin, § 87(2)(b), was contacted with letters and telephone calls. § 87(2)(g)

§ 87(2)(b)'s cousin, § 87(2)(b), was contacted with letters and telephone calls but remains uncooperative. § 87(2)(g)

### Police Statements:

Lt. Anthony G. Discala and PO Robert W. O'Hare of the 67<sup>th</sup> Precinct responded to the location concerning a radio call requesting assistance on 3-21-99 at 4:30AM.

PO O'Hare was in the vicinity of § 87(2)(b) investigating an unrelated incident when he responded to a call for assistance involving a fight between two civilians. Upon arriving at the location, the civilians outside were waiting to pay and enter an illegal basement party. They also physically obstructed the officer from entering the residence when Lt. Discala was called and responded. According to the officer's statement, a fight occurred in front of the location but the crowd present was mainly interested in paying to enter the alcohol serving party. The crowd was verbally abusive and refused to depart from the immediate area. When Lt. Discala arrived, he was prevented from entering the basement and called for additional units to respond. Shortly after back-up officers responded, Lt. Discala and the back-up officers gained access into the location, while PO O'Hare controlled the flow of traffic exiting the basement. When the crowd of people decreased in the residence, PO O'Hare entered and was directed by Lt. Discala to issue four Alcohol Beverage Control (ABC) summonses to § 87(2)(b). She identified herself as the person in charge of the party and provided her identification. As PO O'Hare stood in the basement and completed the summonses, § 87(2)(b) approached him and wanted their names and badge numbers. PO O'Hare was about a foot away as he turned his badge plate in § 87(2)(b) direction and stated to him "here it is" and allowed him to clearly see his shield. Lt. Discala provided his name, rank, and precinct assignment. § 87(2)(b) was told that lieutenants do not have badge numbers. As PO O'Hare wrote the summonses, other officers were directed by Lt. Discala to confiscate empty bottles of

alcohol and a flyer advertising an upcoming illegal party at § 87(2)(b) § 87(2)(b). At the conclusion, PO O'Hare handed § 87(2)(b) her driver's license and the summonses.

### Conclusions and Recommendations

This entire incident with § 87(2)(b) originated when he attended a birthday party for his cousin, § 87(2)(b), in his grandmother's basement. The party caused numerous uninvited guests to gather in front of the residence. Afterwards, § 87(2)(b) sister, § 87(2)(b), was issued five summonses and PO Robert O'Hare vouchered empty bottles of alcohol.

**Allegation A – Force:** PO Robert O'Hare used physical force by shoving his badge into § 87(2)(b)'s face in violation of PG 104-01 and NYS Penal Law section 35.30(1).

§ 87(2)(g)  
Witness statements given by § 87(2)(b) and § 87(2)(b) corroborated the non-existent physical contact between the officer's badge and § 87(2)(b) face. § 87(2)(g)

**Allegation B – Discourtesy:** PO Robert O'Hare spoke discourteously to § 87(2)(b) by stating, "If you want my fucking badge number, here it is. If you want my mother fucking badge number, here it fucking is. You want my badge number, here's my fucking badge number. Here, here is my fucking badge number."

§ 87(2)(g)  
According to PO O'Hare, there was a greater concern at issue related to the minors present who were illegally consuming alcohol at what is commonly termed a "jump-up" party. PO O'Hare stated the atmosphere created by the officers' arrival consisted of having the paying partygoers depart from the location without incident and avoid the gun violence, which is associated with these types of parties. Lt. Discala and PO O'Hare stated the conversations with § 87(2)(b) § 87(2)(b) concerned them explaining that lieutenants do not have badge numbers and the officer showing his shield plate to the civilian. § 87(2)(g)

Investigator:	<u>S-A O. WILKINSON</u>	Date:	<u>4-10-00</u>
Supervisor:	<u>Cellia Holloway</u>	Date:	<u>4/10/00</u>
Reviewed by:	<u>D. Lancy</u>	Date:	<u>4/11/00</u>
Reviewed by:		Date:	